

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO 27 8:26

CR 09

0862

UNITED STATES OF AMERICA,

MHP

V.

DONALD DANIELS,
MARTIN WILLIAM WASHBURN,
TAPANI KOIVUNEN, and
IRINA REBEGENEAU

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1349 – Conspiracy to Commit Mail and Wire Fraud

18 U.S.C. § 1343 – Wire Fraud

18 U.S.C. §1956(h) – Conspiracy to Commit Money Laundering

18 U.S.C. §§1956(a)(2)(A) and 2 – Money Laundering and Aiding
and Abetting

A true bill.

Donald L. Howard

Foreman

Filed in open court this 27th day of

August

ADA YIU

ADA YIU

Clerk

Bail, \$

No bail

warrant for

each

defendant

Bernard Zimmerman

BERNARD ZIMMERMAN

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED

See attached

☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

See attached

JUG 27 SAN FRANCISCO DIVISION

DEFENDANT - U.S. DISTRICT COURT

DONALD DANIELS

DISTRICT COURT NUMBER

CR 09 0862

MHP

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI, Ken Bagchi

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Christine Wong/Peter Axelrod

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges n/a

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)
IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction

☐ Federal ☐ State

 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

Penalties

Count One: 18 U.S.C. § 1349 – Conspiracy to Commit Mail and Wire Fraud

1. Imprisonment: Maximum 30 years
2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
4. Special assessment: \$100

Count Five: 18 U.S.C. § 1343 – Wire Fraud

1. Imprisonment: Maximum 30 years
2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
4. Special assessment: \$100

Count Six: 18 U.S.C. § 1343 – Wire Fraud

1. Imprisonment: Maximum 30 years
2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
4. Special assessment: \$100

Count Seven: 18 U.S.C. §1956(h) – Conspiracy to Commit Money Laundering

1. Imprisonment: Maximum 20 years
2. Fine: Maximum \$500,000
3. Supervised release: 3 years
4. Special assessment: \$100

Count Eight: 18 U.S.C. §§1956(a)(2)(A) and 2 – Money Laundering and Aiding and Abetting

1. Imprisonment: Maximum 20 years
2. Fine: Maximum \$500,000
3. Supervised release: 3 years
4. Special assessment: \$100

Count Nine: 18 U.S.C. §§1956(a)(2)(A) and 2 – Money Laundering and Aiding and Abetting

1. Imprisonment: Maximum 20 years

434

2. Fine: Maximum \$500,000
3. Supervised release: 3 years
4. Special assessment: \$100

4500

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

See attached



☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

See attached

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

MARTIN WILLIAM WASHBURN

DISTRICT COURT NUMBER

MHP

09

0862

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI, Ken Bagchi

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

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☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned) Christine Wong/Peter Axelrod

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6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

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 been filed? ☐ No

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 filed

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Month/Day/Year

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Month/Day/Year

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3. Supervised release: 5 years
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Count Two: 18 U.S.C. § 1343 – Wire Fraud

1. Imprisonment: Maximum 30 years
2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
4. Special assessment: \$100

Count Three: 18 U.S.C. § 1343 – Wire Fraud

1. Imprisonment: Maximum 30 years
2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
4. Special assessment: \$100

Count Four: 18 U.S.C. § 1343 – Wire Fraud

1. Imprisonment: Maximum 30 years
2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
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9/3/09

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☐ SUPERSEDING

OFFENSE CHARGED

See attached

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☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

See attached

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

DEFENDANT - U.S.

TAPANI KOIVUNEN

DISTRICT COURT NUMBER

CR 09**0862 MHP****PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FBI, Ken Bagchi

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

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☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Christine Wong/Peter Axelrod

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IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

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Date/Time:

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Penalties

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☐ SUPERSEDING

OFFENSE CHARGED

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☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

See attached

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

DEFENDANT - U.S.

U.S. DISTRICT COURT
 IRINA REBEGNEAU

DISTRICT COURT NUMBER

09 0862MHP

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI, Ken Bagchi

☐ person is awaiting trial in another Federal or State Court,
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☐ this person/proceeding is transferred from another district
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 been filed? ☐ No

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Date/Time:

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2. Fine: Maximum \$1,000,000
3. Supervised release: 5 years
4. Special assessment: \$100

430

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

FILED

AUG 27 2009

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CR 09

0862

UNITED STATES OF AMERICA,

No.

v.

INDICTMENT

DONALD DANIELS,
MARTIN WILLIAM WASHBURN,
TAPANI KOIVUNEN, and
IRINA REBEGENEAU,

Defendants.

VIOLATIONS: 18 U.S.C. §
1349—Conspiracy to Commit Mail and Wire
Fraud; 18 U.S.C. § 1343—Wire Fraud; 18
U.S.C. § 1956(h)—Conspiracy to Commit
Money Laundering; 18 U.S.C. §§
1956(a)(2)(A) and 2—Money Laundering and
Aiding and Abetting; 18 U.S.C. §
981(a)(1)(C), 28 U.S.C. §
2461(c)—Forfeiture of Fraud Proceeds; 18
U.S.C. § 982(a)—Money Laundering
Forfeiture

MHP

INDICTMENT

The Grand Jury charges:

INTRODUCTION

At all times relevant to this Indictment:

1. The Overseas Private Investment Corporation ("OPIC") was a United States
governmental agency, located in Washington, D.C., whose mission was to encourage U.S.-based

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12

1 companies to invest in overseas business projects. To do so, OPIC provided, among other things,
2 loans to small businesses for investments in overseas projects. To qualify for a small business
3 loan, the U.S. business, also called the "U.S. Sponsor," had to own at least 25% of the overseas
4 project. To apply for a small business loan, the borrower had to submit an application form,
5 including a detailed business plan and cash flow projections, and each sponsor of the borrower
6 had to complete and submit a Sponsor Disclosure Report.

7 2. Golden Sierra Partners, LLC ("GSP"), was a company established under the laws
8 of the State of Nevada. According to corporate records, the company was 50.46% owned by
9 FoodPro International, Inc. ("FoodPro"), 35.78% owned by AS Vahenurme Agro ("ASV"), a
10 company established in Estonia, and 13.76% owned by Golden Sierra Management, LLC
11 ("GSM"). FoodPro's offices were in Stockton, California, and San Jose, California.

12 3. According to submissions made to OPIC, GSP's purpose was to establish a state-
13 of-the-art milling and bakery operation in Estonia. GSP was to be capitalized by approximately
14 \$16.5 million. \$8.9 million of the capital would be provided by a small business loan from OPIC
15 to GSP. The remaining \$7.6 million would be equity investment contributions from FoodPro,
16 ASV, and GSM (collectively, "GSP's Members"). For the purposes of the OPIC loan, FoodPro
17 was the U.S. sponsor of GSP.

18 The Defendants

19 4. MARTIN WILLIAM WASHBURN was the founder and president of FoodPro
20 and the corporate secretary of GSP. IRINA REBEGENEAU was a project manager/engineer at
21 FoodPro.

22 5. TAPANI KOIVUNEN was the chief executive officer ("CEO") of GSM and
23 chairman and CEO of GSP.

24 6. DONALD DANIELS was managing member of the Eagle Jack Group and
25 authorized agent of Treston Enterprises.

26 //

27 //

28 //

COUNT ONE: [18 U.S.C. § 1349 – Conspiracy to Commit Mail and Wire Fraud]

The Conspiracy

7. Beginning on a date unknown to the Grand Jury, but no later than March 2003, and continuing up through and including May 2005, in the Northern District of California and elsewhere, the defendants,

DONALD DANIELS,
MARTIN WILLIAM WASHBURN,
TAPANI KOIVUNEN, and
IRINA REBEGENEAU,

and others known and unknown to the Grand Jury, did knowingly conspire to commit offenses against the United States, to wit: (1) mail fraud, in violation of Title 18, United States Code, Section 1341 and (2) wire fraud, in violation of Title 18, United States Code, Section 1343.

Objects of the Conspiracy

Mail Fraud

8. It was a part and object of the conspiracy that DANIELS, WASHBURN, KOIVUNEN, and REBEGENEAU, and others known and unknown to the Grand Jury, having devised and intending to devise a material scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, did cause to be delivered matters and things by mail and private or commercial interstate carrier for the purpose of executing such scheme and artifice, all in violation of Title 18, United States Code, Section 1341.

Wire Fraud

9. It was also a part and object of the conspiracy that DANIELS, WASHBURN, KOIVUNEN, and REBEGENEAU, and others known and unknown to the Grand Jury, having devised and intending to devise a material scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing

1 such scheme and artifice, all in violation of Title 18, United States Code, Section 1343.

2 The Scheme to Defraud

3 10. Beginning on a date unknown to the Grand Jury, but no later than March 2003,
4 and continuing up through and including May 2005, DANIELS, WASHBURN, KOIVUNEN,
5 and REBEGENEAU, and others known and unknown to the Grand Jury, orchestrated a
6 fraudulent scheme to defraud OPIC and to obtain a loan of approximately \$9.4 million from
7 OPIC to fund GSP.

8 11. To obtain the loan from OPIC, the defendants submitted to OPIC documents with
9 materially false and fraudulent representations, including, among others: they (1) that GSP's
10 Members would provide GSP with approximately \$7.6 million in equity, including
11 approximately \$3.8 million in cash from FoodPro and approximately \$700,000 in cash from
12 ASV; (2) that the cost estimates for equipment set forth in the financial plan would be accurate;
13 and (3) that FoodPro had no related companies. In so doing, the defendants made the following
14 material omissions, among others: (1) what was represented to be cash equity in GSP was
15 actually a loan from DANIELS; (2) the amount spent by GSP on equipment would be far less
16 than what was reported; and (3) the purchase of equipment for GSP would not be arms-length
17 transactions between unrelated parties.

18 12. In addition to the material misrepresentations and omissions set forth in paragraph
19 11, the defendants also made the following material misrepresentations and omissions, among
20 others, to obtain the loan disbursements from OPIC: (1) provided to OPIC falsified invoices that
21 contained inflated equipment prices and that concealed the close relationship of the companies
22 involved in the underlying transactions; (2) withheld bank statements from OPIC that would have
23 demonstrated that the cash equity was immediately returned to DANIELS; (3) made false
24 assurances to OPIC regarding the progress of the project; and (4) affirmed and reaffirmed the
25 accuracy of the completeness and truthfulness of their disclosures to OPIC.

26 13. OPIC made loan disbursements to GSP by wire transfers of money, which were
27 processed through San Francisco, California, to GSP's bank account in San Jose, California.

28 //

Overt Acts

14. In furtherance of the conspiracy and to effect its illegal objects, DANIELS, WASHBURN, KOIVUNEN, and REBEGENEAU, the defendants, committed the following overt acts, among others, in the Northern District of California and elsewhere:

(a) On or about March 14, 2003, WASHBURN sent to OPIC an application for a loan from OPIC to GSP.

(b) On or about May 2, 2003, WASHBURN sent by facsimile from San Jose, California to OPIC, a letter of intent from DANIELS to invest up to \$3.8 million in GSP.

(c) On or about May 2, 2003, KOIVUNEN sent by electronic mail to OPIC a description of the proposed equity from GSP's Members.

(d) In or about June 2003, DANIELS, WASHBURN, KOIVUNEN and an unindicted co-conspirator attended a meeting in Stockton, California, and discussed, among other things, the cash equity contribution to and the budget for GSP.

(e) On or about June 13, 2003, WASHBURN sent by facsimile from San Jose, California, to OPIC, with copies to KOIVUNEN and DANIELS, a retainer letter agreement.

(f) On or about September 25, 2003, OPIC and GSP entered into a loan agreement by which GSP would receive approximately \$9.4 million.

(g) From on or about September 22, 2003, to and including on or about October 29, 2003, DANIELS transferred, or caused to be transferred, a total of approximately \$3.8 million by five wire transfers from an account held at Charles Schwab in San Francisco, California (the "Schwab Account"), to GSP's bank account held at Wells Fargo in San Jose, California (the "Golden Sierra Account"), representing FoodPro's cash equity interest in GSP.

(h) On or about October 20, 2003, REBEGENEAU sent by facsimile and by mail from Stockton, California, to OPIC documents for Golden Sierra's First Disbursement Application, signed by WASHBURN.

(i) On or about November 3, 2003, and on or about November 11, 2003, DANIELS transferred, or caused to be transferred, a total of approximately \$700,000 by two wire transfers from the Schwab Account to ASV's bank account held at Nordea Bank in Estonia,

1 representing ASV's equity interest in GSP.

2 (j) On or about December 2, 2003, WASHBURN sent a letter from San Jose,
3 California, to OPIC, detailing information necessary to complete the loan documentation,
4 including ostensibly documentation of equipment purchases and evidence of wire transfers
5 representing the alleged cash equity contributions from GSP's Members.

6 (k) On or about December 24, 2003, OPIC wired the first loan disbursement
7 of approximately \$4.2 million, which was processed through San Francisco, California, to GSP's
8 bank account in San Jose, California.

9 (l) On or about December 24, 2003, DANIELS sent an e-mail to
10 REBEGENEAU regarding a draft of GSP's financial plan.

11 (m) On or about September 2, 2004, WASHBURN sent by facsimile from
12 Stockton, California, to OPIC, a progress report dated August 31, 2004, regarding GSP.

13 (n) On or about September 3, 2004, WASHBURN sent by facsimile from
14 Stockton, California, to OPIC, the second disbursement request.

15 (o) On or about October 19, 2004, OPIC wired the second loan disbursement
16 of approximately \$3.7 million, which was processed through San Francisco, California, to GSP's
17 bank account in San Jose, California.

18 (p) On or about February 28, 2005, WASHBURN sent an e-mail to OPIC
19 regarding OPIC's tour of GSP's facilities in Estonia.

20 (q) On or about March 21, 2005, WASHBURN sent by facsimile from
21 Stockton, California, to OPIC, a letter providing an explanation for a wire transfer of \$810,000 to
22 KOIVUNEN and providing an accounting of the second disbursement from OPIC.

23 All in violation of Title 18, United States Code, Section 1349.

24
25 COUNTS TWO THROUGH FOUR: [18 U.S.C. § 1343 – Wire Fraud]

26 15. The allegations contained in paragraphs 1 through 14 are repeated and realleged as
27 though fully set forth herein.

28 16. On or about the dates set forth below, in the Northern District of California and

1 elsewhere, defendant

2 MARTIN WILLIAM WASHBURN,

3 having devised and intending to devise a material scheme and artifice to defraud, and to obtain
 4 money and property by means of materially false and fraudulent pretenses, representations, and
 5 promises, did knowingly transmit and cause to be transmitted by means of wire, radio and
 6 television communication in interstate and foreign commerce, writings, signs, signals, pictures
 7 and sounds, to wit, WASHBURN caused the communications set forth below to be transferred
 8 by wire from Stockton, California, to the Overseas Private Investment Corporation ("OPIC"),
 9 located in Washington, D.C., for the purpose of executing the scheme to defraud and fraudulently
 10 obtaining a loan from OPIC set forth above:

COUNT	DATES	SUBSTANCE OF WIRE COMMUNICATION
TWO	September 2, 2004	Facsimile of progress report to OPIC
THREE	September 3, 2004	Facsimile of second disbursement request to OPIC
FOUR	February 28, 2005	E-mail to OPIC regarding OPIC's tour of facilities in Estonia

15 All in violation of Title 18, United States Code, Section 1343.

16
 17
 18 COUNTS FIVE AND SIX: [18 U.S.C. § 1343 – Wire Fraud]

19 17. The allegations contained in paragraphs 1 through 14 are repeated and realleged as
 20 though fully set forth herein.

21 18. On or about the dates set forth below, in the Northern District of California and
 22 elsewhere, defendant

23 DONALD DANIELS,

24 having devised and intending to devise a material scheme and artifice to defraud, and to obtain
 25 money and property by means of materially false and fraudulent pretenses, representations, and
 26 promises, did knowingly transmit and cause to be transmitted by means of wire, radio and
 27 television communication in interstate and foreign commerce, writings, signs, signals, pictures
 28 and sounds, to wit, DANIELS caused money to be transferred by wire from San Francisco,

California, to a bank account located outside the United States, as set forth below, for the purpose of executing the scheme to defraud and fraudulently obtaining a loan from OPIC, as set forth above:

COUNT	APPROXIMATE DATES	SUBSTANCE OF WIRE TRANSFER
FIVE	November 3, 2003	Wire transfer of approximately \$300,000 from San Francisco, California, to Estonia.
SIX	November 11, 2003	Wire transfer of approximately \$400,000 from San Francisco, California, to Estonia.

All in violation of Title 18, United States Code, Section 1343.

COUNT SEVEN: [18 U.S.C. § 1956(h)–Conspiracy to Commit Money Laundering]

19. The allegations contained in paragraphs 1 to 14 of this Indictment are realleged as though fully set forth herein.

20. Beginning at a time unknown, but no later than in or about June 2003, and continuing to and including in or about December 2003, in the Northern District of California and elsewhere, the defendants

DONALD DANIELS,
MARTIN WILLIAM WASHBURN, and
TAPANI KOIVUNEN,

and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to transport, transmit, and transfer funds from a place in the United States to a place outside the United States with the intent to promote the carrying on of specified unlawful activity (namely, mail fraud, in violation of Title 18, United States Code, Section 1341, and wire fraud, in violation of Title 18, United States Code, Section 1343), in violation of Title 18, United States Code, Section 1956(a)(2)(A), to wit, DANIELS, WASHBURN, and KOIVUNEN conspired to have money transferred by wire from an account located in San Francisco, California, to a bank account located in Estonia, for the purpose of executing the scheme to defraud and fraudulently obtaining a loan from the Overseas Private Investment Corporation, as set forth above.

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS EIGHT AND NINE: [18 U.S.C. §§ 1956(a)(2)(A) and 2—Money Laundering and Aiding and Abetting]

21. The allegations contained in paragraphs 1 to 14 of this Indictment are realleged as though fully set forth herein.

22. Beginning at a time unknown, but no later than in or about June 2003, and continuing to and including in or about December 2003, in the Northern District of California and elsewhere, defendants

DONALD DANIELS,
MARTIN WILLIAM WASHBURN, and
TAPANI KOIVUNEN,

and others known and unknown to the Grand Jury, did knowingly and intentionally transport, transmit, and transfer funds from a place in the United States to a place outside the United States with the intent to promote the carrying on of specified unlawful activity (namely, mail fraud, in violation of Title 18, United States Code, Section 1341, and wire fraud, in violation of Title 18, United States Code, Section 1343), to wit, DANIELS, WASHBURN, and KOIVUNEN caused money to be transferred by wire from an account located in San Francisco, California to a bank account located in Estonia, for the purpose of executing the scheme to defraud and fraudulently obtaining a loan from the Overseas Private Investment Corporation, as set forth above, and did aid and abet such conduct, as set forth below:

COUNT	APPROXIMATE DATES	SUBSTANCE OF TRANSFER
EIGHT	November 3, 2003	Wire transfer of approximately \$300,000 from San Francisco, California, to Estonia.
NINE	November 11, 2003	Wire transfer of approximately \$400,000 from San Francisco, California, to Estonia.

All in violation of Title 18, United States Code, Section 1956(a)(2)(A) and 2.

FIRST FORFEITURE ALLEGATION: [18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)]

23. The allegations contained in Counts One through Six of this Indictment are alleged as though fully set forth herein.

24. Upon a conviction of any of the offenses alleged in Counts One through Six of this Indictment, the defendants

DONALD DANIELS,
MARTIN WILLIAM WASHBURN,
TAPANI KOIVUNEN, and
IRINA REBEGENEAU,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to those offenses.

25. If, as a result of any act or omission of the defendants, any of said property:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the defendant shall forfeit any and all interest that the defendant has in other property, not to exceed the value of the property subject to forfeiture under this provision, pursuant to Title 21, United States Code, Section 853(p), as incorporated in Title 28, United States Code, Section 2461(c).

SECOND FORFEITURE ALLEGATION: [18 U.S.C. § 982(a)(1)]

26. The allegations contained in Counts Seven through Nine of this Indictment are alleged as though fully set forth herein.

27. Upon a conviction of any of the offenses alleged in Counts Seven through Nine of this Indictment, the defendants

DONALD DANIELS,
MARTIN WILLIAM WASHBURN, and
TAPANI KOIVUNEN,

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 982(a)(1), any

property, real or personal, involved in such offense, and any property traceable to such property.


28. If, as a result of any act or omission of the defendants, any of said property:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the defendants shall forfeit any and all interest that the defendants have in other property, not to exceed the value of the property subject to forfeiture under this provision, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

DATED: 8-27-09

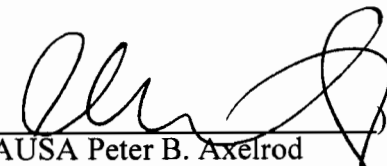
A TRUE BILL


FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney


BRIAN J. STRETCH
Chief, Criminal Division

(Approved as to form:


AUSA Peter B. Axelrod
AUSA Christine Y. Wong
Trial Attorney Krista Tongring